

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

Attorney Docket No.

XCI-228.1

As the below named inventors, I/We hereby declare that:

My/Our name(s), residence(s), post office address(es) and citizenship(s) is/are as stated below next to my/our name(s).

If one name appears below, I am the sole inventor of the subject matter sought to be patented.

If two or more names appear below, we are joint inventors of the subject matter sought to be patented.

I/We believe I/We am/are the original; and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**FREQUENCY HOPPING SPREAD SPECTRUM PASSIVE ACOUSTIC WAVE
IDENTIFICATION DEVICE**

the specification of which

☒ is attached hereto.

☐ was filed on _____ as application Serial No. _____

I/We hereby state that I/We reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We also acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.63(d), which occurred between the filing date of the prior application and the filing date of the continuation-in-part application, if this is a continuation-in-part application.

I/We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for the patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application: _____ Application No.
filed

Priority Claimed: _____ Yes _____ No

I/We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/914.282</u>	<u>8/18/97</u>	<u> </u>
Application Serial No.	Filing Date	Status (patented, pending, abandoned)

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I/We hereby appoint the following attorneys and/or agents to represent me with respect to the above identified U.S. Patent Application, and to prosecute any continuations, continuations-in-part, reissue applications and/or reexaminations with respect to these applications and to transact all business in the Patent and Trademark Office connected therewith, and hereby expressly revoke all prior powers, whatever they may be, heretofore had herein:


Karl F. Milde, Jr., Reg. No. 24, 822; Steven M. Hoffberg, Reg. No. 33,511 and Kenneth E. Macklin, Reg. No. 20,875, all of 10 Bank Street, Suite 460, White Plains, New York 10606, my/our attorneys with full power of substitution and revocation.

Please address all telephone calls to Steven M. Hoffberg, Esq. at telephone No. (914) 949-3100.

Please address all correspondence to:

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Paul A. Nysen
NAME OF INVENTOR


INVENTOR'S SIGNATURE

2/1/99
DATE

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Australia
CITIZENSHIP

Same as above
POST OFFICE ADDRESS

NAME OF INVENTOR

INVENTOR'S SIGNATURE

DATE

RESIDENCE

CITIZENSHIP

POST OFFICE ADDRESS